

John K. Rubiner
Barton, Klugman & Oetting, LLP
350 S. Grand Avenue, Suite 2200
Los Angeles, California 90071
213-617-6123
JRubiner@bkolaw.com

Feder Law Office, P.A.
2930 E. Camelback Road, Suite 160
Phoenix, Arizona 85016
(602) 257-0135
bf@federlawpa.com
fl@federlawpa.com

Bruce Feder – Arizona State Bar No. 004832
Attorneys for Claimant, Scott Spear

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

In the Matter of the Seizure of:

Any and all funds held in Republic
Bank of Arizona Account(s) xxxx1889,
xxxx2592, xxxx1938, xxxx2912, and
xxxx2500.

No.: CV 18-06742-RGK (PJWx)

[Related to Case Nos. 18-MJ-00712,
18-MJ-00713, 18-MJ-00715,
18-MJ-00716, 18-MJ-00718,
18-MJ-00719, 18-MJ-00720,
18-MJ-00721, 18-MJ-00722,
18-MJ-00723, 18-MJ-00724,
18-MJ-00751, 18-MJ-00797,
18-MJ-00798, 18-MJ-00996,
18-MJ-00997, 18-MJ-01427, and
18-MJ-1863]

**SCOTT SPEAR'S JOINDER IN
JAMES LARKIN'S MOTION TO
VACATE OR MODIFY SEIZURE
WARRANTS**

Hearing Information

Date: September 24, 2018

Time: 9:00 A.m.

Judge: Hon. R. Gary Klausner

Place: Courtroom 850

255 E. Temple Street, 8th Fl.
Los Angeles, CA 90012

Assigned to Hon. R. Gary Klausner

TO THE COURT AND ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT Scott Spear, by and through his counsel, will and hereby does join in James Larkin's Motion to Vacate or Modify Seizure Warrants (the "Motion") filed in the above-captioned action, and adopts all of the positions set forth in the Motion as if fully set forth herein. Counsel understands that Mr. Spear's cases, together with several other related cases, have been consolidated by Judge Walsh given the numerous overlapping and related issues.

Mr. Spear holds an interest in the assets that were seized in Related Case Nos. 2:18-MJ-00715 and 2:18-MJ-00798. **See Exhibit A** (Declaration of Scott Spear).¹ Mr. Spear therefore joins in the Motion as to the assets seized in Related Case Nos. 2:18-MJ-00715 and 2:18-MJ-00798, specifically:

- a. National Bank of Arizona safety deposit box number ending in xx7224;
- b. National Bank of Arizona account number ending in xx3645;
- c. Ally Bank account number ending in xx6292;
- d. National Bank of Arizona account number ending in xx0178;
- e. National Bank of Arizona account number ending in xx0151;
- f. Live Oak Bank account number ending in x6910;
- g. Ascensus Broker Dealer Services account number ending in xx6943-01;
- h. Ascensus Broker Dealer Services account number ending in xx5280-01;
- i. BBVA Compass Bank account number ending in xx3873; and
- j. BBVA Compass Bank account number ending in xx4862.

Mr. Spear joins in the Motion because he is "so similarly situated [to Mr. Larkin] that filing an independent motion would be redundant." Tatung Co., Ltd.

¹ Scott Spear's Declaration, which is also attached, was also filed in support of the Larkin Motion, identifies the seized bank and brokerage accounts in which he holds an interest.

1 *v. Shu Tze Hsu*, 217 F. Supp. 3d 1138, 1151 (C.D. Cal. 2016). The purported
 2 basis for the seizures of Mr. Spear's accounts are identical to the purported basis
 3 for the seizures of Mr. Larkin's accounts, namely that the funds held in their
 4 accounts derived from revenues from Backpage.com advertisements that allegedly
 5 solicited prostitution. Moreover, the affidavits submitted by Postal Inspector
 6 Versoza in support of the seizure warrants issued in Related Case Nos.
 7 2:18-MJ-00715 and 2:18-MJ-00798 are identical/substantially similar to the
 8 affidavits submitted by Inspector Versoza in support of the seizure warrants issued
 9 in this and the related actions, the only difference being the assets that are the
 10 subject of the warrants. Therefore, all of the arguments made in the Motion apply
 11 with equal force to the seizure warrants issued against the assets in which Mr.
 12 Spear holds an interest.

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 14 Respectfully Submitted this 30th day of August, 2018.

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 16 **BARTON, KLUGMAN & OETTING, LLP**

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 18 /s/ John K. Rubiner

19 John K. Rubiner

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 21 **FEDER LAW OFFICE, P.A.**

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 23 /s/ Bruce Feder

24 Bruce Feder

Attorney for Scott Spear, Claimant

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PROOF OF SERVICE

I hereby certify that on the 30th day of August, 2018, I electronically transmitted **SCOTT SPEAR'S JOINDER IN JAMES LARKIN'S MOTION TO VACATE OR MODIFY SEIZURE WARRANTS** to the Clerk of the Court via the CM/ECF system whose transmittal of a Notice of Electronic Filing (NEF) constitutes service, pursuant to the Federal Rules of Civil and Criminal Procedure, to the following CM/ECF registrants:

John Kucera
AUSA - Office of US Attorney
Asset Forfeiture Section
Email: john.kucera@usdoj.gov
Attorney for United States

Kenneth Miller kmiller@bmkattorneys.com
Anthony Bisconti tbisconti@bmkattorneys.com
Thomas Bienert tbienert@bmkattorneys.com
Whitney Bernstein wbernstein@bmkattorneys.com
Bienert Miller and Katzman PLC
Attorney for James Larkin

Gary Lincenberg gsl@birdmarella.com
Ariel Neuman aan@birdmarella.com
Gopi Panchapakesan gkp@birdmarella.com
Bird Marella Boxer Wolpert Nessim, et al
Attorneys for John Brunst

Erin McCampbell emcampbell@lglaw.com
Paul Cambria pcambria@lglaw.com
Lipsitz Green Scime Cambria
Janey Henze Cook janey@henzecoockmurphy.com
Henze Cook Murphy PLLC
Attorneys for Michael Lacey

By: /s/ A. Jones